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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,109	05/16/2005	Rudolf Hauke	20822/0205173-US0	3573
7278	7590	11/28/2007		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER BROWN, VERNAL U	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/535,109	<b>Applicant(s)</b> HAUKE, RUDOLF	
	<b>Examiner</b> Vernal U. Brown	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The application of Rudolf Hauke for Method and Device for Securing Devices Against Unauthorized Access, particularly for identifying gamblers in a Casino filed 5/16/05 has been examined. Claims 11-23 are pending.

#### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract is objected to because it exceeds 150 words.

#### ***Claim Rejections - 35 USC § 112***

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 23, claim 23 fails to distinctly point out the claimed subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-13, 17, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Mages US Patent Application 20030031321.

Regarding claims 11-13, Mages teaches a method of verifying access authorization of persons to a facility such as a gambling machine comprising

wirelessly acquiring biometric identification data from a smart card (paragraph 025-026) and the smart card is inherently in a defined operating range of the smart card reader in order to enable the wireless reading of the identification information on the smart card;

transferring the acquired identification information from the card reader to the microprocessor (23) of the gaming machine (figure 2);

automatically loading the biometric data corresponding to each person for whom the readable data is transferred from central memory storage (server) into device internal memory storage in order to perform an identification of each person and determining the authorization of each person (paragraph 026-027).

Regarding claim 17, Mages teaches the document (identification means) is disposed in a cellular phone (paragraph 022).

Regarding claim 19, Mages teaches the identification of a person is performed by analyzing a fingerprint of a person (paragraph 026).

Regarding claim 20, Mages teaches the document is an identity card and it includes the fingerprint of the owner (paragraph 026).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mages US Patent Application 20030031321 in view of Cannon US Patent 6746330.

Regarding claims 14-15, Mages teaches wirelessly acquiring biometric identification data from a smart card (paragraph 025-026) but is silent on teaching generating a data set of the identifiable body and transferring the dataset to the central memory storage. Cannon in an analogous art teaches transmitting the identification information received from the input device to a central memory in order to authorize the user (col. 3 lines 41--57). Cannon also teaches several gaming machines are linked to the central storage as called for in claim 15 (figure 1A).

It would have been obvious to one of ordinary skill in the art to modify the system of Mages as disclosed by Cannon because a central memory for storing the identification dataset provides a more secure system than having the identification information stored in each machine.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mages US Patent Application 20030031321 in view of Charrin US Patent 6577733.

Regarding claim 16, Mages teaches wirelessly acquiring biometric identification data from a smart card (paragraph 025-026) but is silent on teaching the smart card has a radio chip mounted on the card. Clarrin in an analogous art teaches a smart card having a radio chip for transmitting radio frequency signal (col. 1 lines 48-56).

It would have been obvious to one of ordinary skill in the art for the identifiable body provided by the smart card to have a radio chip for communicating its identification information because radio frequency is a suitable means used for transmitting wireless signal.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mages US Patent Application 20030031321 in view of Muir US Patent 6790141.

Regarding claim 17-18, Mages teaches wirelessly acquiring biometric identification data from a smart card (paragraph 025-026) but is silent on teaching the document (identification means) is disposed in a cellular phone. Muir in an analogous art teaches the document (identification means) is disposed in a cellular phone (col. 4 lines 23-42). It is further obvious to connect the telephone to a socket mounted on the gaming machine because Mages teaches transferring the identification information wired or wirelessly (paragraph 026).

It would have been obvious to one of ordinary skill in the art to modify the system of Mages as disclosed by Muir because the cellular phone provides a convenient personal device for storing personal identification information.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mages US Patent Application 20030031321 in view of Luciano Jr. et al. US Patent Application Publication 20020111210.

Regarding claim 21, Mages teaches the smart card is loaded with specific monetary value (paragraph 025) but is silent on teaching the use of rechargeable value transponder. Luciano Jr. et al. in an analogous art teaches the use of a rechargeable value transponder for identifying a player (paragraph 0123).

It would have been obvious to one of ordinary skill in the art to have a rechargeable value transponder in Mages as disclosed by Luciano Jr. et al. because the transponder provides an economic and convenient means of storing identification means as means for storing monetary value.

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mages US Patent Application 20030031321 in view of Gatto et al. US Patent 6916244 and further in view of Roustaci US Patent 6347163.

Regarding claims 22-23, Mages teaches wirelessly acquiring biometric identification data from a smart card in order to authenticate a user for the operation of a gaming machine (paragraph 025-026) but is silent on teaching illuminating an object and acquiring at least two images from at least two different directions simultaneously. Gatto et al. in an analogous art teaches the use of a barcode to provide identification information and teaches the use of a barcode reader to obtain the identification information (col. 3 lines 34-60) and the reading of a barcode inherently include the illumination of an object using light source but is silent on teaching acquiring at least two images from at least two different directions simultaneously. The acquiring at least two images from at least two different directions simultaneously represents a

conventional practice as disclosed by Roustaci for obtaining identification information from a barcode (col. 8 line 58-col. 9 line 10, col. col. 21 lines 55-67).

It would have been obvious to one of ordinary skill in the art to modify the system of Mages as disclosed by Gatto et al. in view of Roustaci because the acquiring at least two images from at least two different directions simultaneously represents an efficient and cost effective means for identifying an individual and to ensure the person is authorized to use a particular product or service.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vernal Brown  
November 20, 2007



TIMOTHY EDWARDS JR.  
PRIMARY EXAMINER